



I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 16, 2006

Signature: \_\_\_\_\_

(John R. Nelson)

No.: SPINE 3.0-455 CONT II  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Zubok et al.

Application No.: 10/776,656

Confirmation No.: 3382

Filed: February 11, 2004

Art Unit: 3738

For: CERVICAL DISC REPLACEMENT

Examiner: C. L. Miller

PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
UNDER 37 CFR 1.181(a)

MS ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Attorneys for the above-identified applicant received a Notice of Abandonment mailed August 3, 2006 for failure to timely pay the required issue fee. However, the transmittal form (PTOL-85), facsimile transmission form, and copy of "Notification of Loss of Small Entity Status" were transmitted to the U.S. Patent and Trademark Office on June 28, 2006 in accordance with 37 CFR 1.8(a)(1)(i)(B).

Attached hereto are copies of the PTOL-85 form, the facsimile transmission form, the Notification of Loss of Small Entity Status, and the PTO auto-reply facsimile transmission report indicating receipt on June 28, 2006 at 2:09:56 P.M. Additionally, the transmission form bears a Certificate of Facsimile transmission dated June 28, 2006.

BEST AVAILABLE COPY

Application No.: 10/776,656

Docket No.: SPINE 3.0-455 CONT II

It is therefore believed that evidence has been submitted to establish that the issue fee was timely paid and is therefore respectfully requested that a patent be granted on the above-identified application.

If there are any fees due in connection with this communication, please charge same to our Deposit Account No. 12-1095.

Dated: August 16, 2006

Respectfully submitted,

By 

John R. Nelson

Registration No.: 26,573

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

684269\_1.DOC



FACSIMILE TRANSMISSION

ISSUE FEE TRANSMITTAL,  
PUBLICATION FEE AND COPY OF LOSS OF SMALL ENTITY STATUS  
MAILED DECEMBER 20, 2004

ATTORNEY DOCKET NO.: SPINE 3.0-455 CONT II

APPLICATION NO.: 10/776,656

CONFIRMATION NO.: 3382

MAILING DATE OF NOTICE OF ALLOWANCE: March 28, 2006

FAX NUMBER: (571) 273-2885

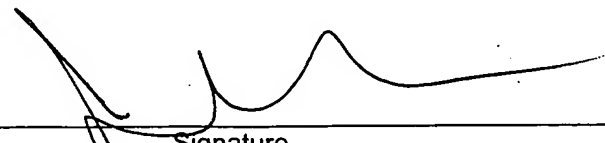
PAGES INCLUDING COVER SHEET: 3

PLEASE ACKNOWLEDGE RECEIPT TO SENDER AT (908) 654-7866.

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the  
United States Patent and Trademark Office.

on June 28, 2006  
Date

  
\_\_\_\_\_  
Signature  
\_\_\_\_\_  
John R. Nelson; Reg. No. 26,573  
\_\_\_\_\_  
Typed or printed name of person signing Certificate

sm



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 20, 2004 Signature:

*Michael J. Doherty*  
(Michael J. Doherty)

Docket No.:  
SPINE 3.0-455 CONT II

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Zubok et al.

Application No.: 10/776,656

Filed: February 11, 2004

Art Unit: 3738

For: CERVICAL DISC REPLACEMENT

Examiner: C. L. Miller

NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Assignee, SpineCore, Inc., hereby notifies the Patent and Trademark Office that it is not entitled to status as a small entity, and that the claim for small entity status filed by the Applicant is hereby withdrawn.

Dated: December 20, 2004

Respectfully submitted,

By *Michael J. Doherty*

Michael J. Doherty

Registration No.: 40,592  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, 07090  
(908) 654-5000  
Attorney for Applicant

BEST AVAILABLE COPY

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 9086547866

Fax Information

Date Received:

Total Pages:

6/28/2006 2:09:56 PM [Eastern Daylight Time]

3 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page

=====>

06/28/2006 14:09 FAX 9086547866 LDKM 001/003

PTO/SB/97 (08-00)  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

**FACSIMILE TRANSMISSION**  
**ISSUE FEE TRANSMITTAL,**  
**PUBLICATION FEE AND COPY OF LOSS OF SMALL ENTITY STATUS**  
**MAILED DECEMBER 20, 2004**

ATTORNEY DOCKET NO.: SPINE 3.0-455 CONT II  
APPLICATION NO.: 10/776,658  
CONFIRMATION NO.: 3382  
MAILING DATE OF NOTICE OF ALLOWANCE: March 28, 2006  
FAX NUMBER: (571) 273-2885  
PAGES INCLUDING COVER SHEET: 3  
PLEASE ACKNOWLEDGE RECEIPT TO SENDER AT (908) 854-7866.

**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the  
United States Patent and Trademark Office.

on June 28, 2006  
Date

[Signature]  
Signature  
John R. Nelson; Reg. No. 26,573  
Typed or printed name of person signing Certificate

PT1176-1.DOC

PAGE 1/3 \* RCVD AT 6/28/2006 2:09:56 PM [Eastern Daylight Time] \* SVR:USPTO-EFAXF-3/15 \* DMS:2732831 \* CSID:9086547866 \* DURATION (mm:ss):01:34

BEST AVAILABLE COPY